

CASE

NUMBER:

99-379

INDEX FOR CASE: 1999-379
NORTH SHELBY WATER COMPANY
Rates - General

IN THE MATTER OF AN APPLICATION OF THE SHELBYVILLE
MUNICIPAL WATER AND SEWER COMMISSION FOR A RATE
ADJUSTMENT TO NORTH SHELBY WATER DISTRICT

SEQ NBR	ENTRY DATE	REMARKS
0001	09/08/1999	Notice of Intent to file Rate Case for a Historical Test Period.
0002	09/14/1999	Notice of Intent acknowledgement letter.
M0001	02/08/2000	AG DAVID SPENARD-MOTION TO INTERVENE
0003	03/14/2000	Final Order dismissing case for lack of prosecution.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
211 SOWER BOULEVARD
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

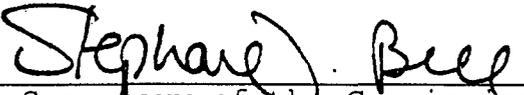
RE: Case No. 1999-379
NORTH SHELBY WATER COMPANY

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 14, 2000.

Parties of Record:

Russ Rose
Manager
North Shelby Water Company
P. O. Box 97
Bagdad, KY. 40003

Honorable Frank F. Chuppe
Attorney at Law
Wyatt, Tarrant & Combs
Citizens Plaza
Louisville, KY. 40202 2898


Secretary of the Commission

SB/hv
Enclosure
cc: Attorney General's Office

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN APPLICATION OF THE SHELBYVILLE)
MUNICIPAL WATER AND SEWER COMMISSION) CASE NO. 99-379
FOR A RATE ADJUSTMENT TO NORTH SHELBY)
WATER DISTRICT)

O R D E R

On September 8, 1999, the Shelbyville Municipal Water and Sewer Commission ("Shelbyville"), pursuant to Administrative Regulation 807 KAR 5:001, Section 10(2), provided written notice to this Commission of its intent to file a rate application. Almost 6 months have passed since Shelbyville provided its original notice, but no rate application has yet been filed. The purpose of Administrative 807 KAR 5:001, Section 10(2),¹ is to ensure prompt and expeditious review of the rate applications of large utilities by allowing the Commission to prepare for immediate review of these applications upon their filing. Permitting long and indeterminate delays between the filing of a notice of intent and the actual filing of the rate application frustrates the purpose of this regulation.

Accordingly, the Commission finds that this docket should be closed for lack of prosecution and that Shelbyville's notice of intent of filing is insufficient for any future rate application. In the event that Shelbyville decides to proceed with the filing of a rate

¹ "Notice of intent. Utilities with gross annual revenues greater than \$1,000,000 shall file with the commission a written notice of intent to file a rate application at least four (4) weeks prior to filing their application. The notice of intent shall state whether the rate application will be supported by a historical test period or a fully forecasted test period. This notice shall be served upon the Attorney General, Utility Intervention and Rate Division."

application, such filing should be preceded by a new notice of intent consistent with Administrative Regulation 807 KAR 5:001, Section 10(2).

The Commission further finds that, by our action this day, the Attorney General's ("AG") motion for intervention in this proceeding is rendered moot and, therefore, should be denied.

IT IS THEREFORE ORDERED that:

1. Shelbyville's notice of intent and this case are dismissed for lack of prosecution.
2. Shelbyville shall comply with 807 KAR 5:001, Section 10(2), prior to filing a rate application with the Commission.
3. The AG's motion for intervention is denied.

Done at Frankfort, Kentucky, this 14th day of March, 2000.

By the Commission

ATTEST:


Executive Director

Commonwealth of Kentucky
Before the Public Service Commission

RECEIVED

FEB 08 2000

PUBLIC SERVICE
COMMISSION

In the Matter of:)
AN APPLICATION OF THE SHELBYVILLE MUNICIPAL) Case No. 99-379
WATER AND SEWER COMMISSION FOR A RATE)
ADJUSTMENT TO NORTH SHELBY WATER DISTRICT)

MOTION TO INTERVENE

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, pursuant to KRS 367.150(8), and moves to intervene in the above-styled proceeding. The Attorney General requests that he be permitted to intervene as a party to the fullest extent permitted by law in order to execute his statutory duties pursuant to KRS 367.150(8).

Respectfully submitted,

A. B. CHANDLER III
ATTORNEY GENERAL
David Edward Spenard
David Edward Spenard
Assistant Attorney General
1024 Capital Center Drive
Frankfort, KY 40601-8204
502.696.5457

Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of this Motion to Intervene were served and filed by hand delivery to Martin Huelsmann, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct of the same, first class postage prepaid, to, Russ Rose, P.O. Box 97, Bagdad, Kentucky 40003 and Frank F. Chuppe, Wyatt, Tarrant & Combs, Citizens Plaza, Louisville, Kentucky 40202-2898 all on this 8th day of February, 2000.

David Edward Spemal
Assistant Attorney General



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

September 14, 1999

Russ Rose
Manager
North Shelby Water Company
P. O. Box 97
Bagdad, KY. 40003

Honorable Frank F. Chuppe
Attorney at Law
Wyatt, Tarrant & Combs
Citizens Plaza
Louisville, KY. 40202 2898

RE: Case No. 99-379
NORTH SHELBY WATER COMPANY
(Rates - General)

This letter is to acknowledge receipt of notice of intent to file a rate application in the above case. The notice was date-stamped received on September 8, 1999 and has been assigned Case No. 99-379. In all future correspondence or filings made in connection with this case, please reference the above case number.

If I can be of any help on procedural matters, please feel free to contact me at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

WYATT, TARRANT & COMBS

CITIZENS PLAZA

LOUISVILLE, KENTUCKY 40202-2898

502 589-5235
FAX: 502 589-0309

RECEIVED
SEP 08 1999
PUBLIC SERVICE
COMMISSION

1700 LEXINGTON FINANCIAL CENTER
LEXINGTON, KY 40507-1748
606 233-2012

TAYLOR-SCOTT BUILDING
FRANKFORT, KY 40601-1807
502 223-2104

ELSBY BUILDING
NEW ALBANY, IN 47150-3440
812 945-3561

1500 NASHVILLE CITY CENTER
NASHVILLE, TN 37219-1750
615 244-0020

29 MUSIC SQUARE EAST
NASHVILLE, TN 37203-4322
615 255-6161

313 E. MAIN STREET, SUITE 1
HENDERSONVILLE, TN 37075-2546
615 822-6822

6075 POPLAR AVENUE, SUITE 650
MEMPHIS, TN 38119-4721
901 537-1000

10368 WALLACE ALLEY STREET, SUITE 6
KINGSPORT, TN 37663-3977
423 279-1825

WRITER'S DIRECT DIAL NUMBER

502 562-7336

September 7, 1999

Stephanie Bell
Secretary of the Commission
Public Service Commission
730 Schenkel Lane
P.O. Box 615
Frankfort, Kentucky 40602

RE: City of Shelbyville and Shelbyville Municipal Water and Sewer Commission/
North Shelby Water District

CASE 99-379

Dear Stephanie:

I enclose for filing the Shelbyville Municipal Water and Sewer Commission's Notice of Intent to apply for an increase in its rate for the sale of water to the North Shelby Water District. Thank you and please let me know if there are any questions.

Very truly yours,

WYATT, TARRANT & COMBS


Frank F. Chuppe

FFC/kdg
Enclosure
20035734.1

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

SEP 08 1999

RECEIVED

In the Matter of :

An Application of the Shelbyville Municipal Water and Sewer
Commission for a Rate Adjustment to North Shelby Water District

NOTICE OF INTENT

The Shelbyville Municipal Water and Sewer Commission hereby notifies the Commonwealth of Kentucky Attorney General, Intervention and Rate Division, P.O. Box 2000, Frankfort, KY 40602-2000, of its intent to apply to the Public Service Commission for an increase in its rate for the sale of water to the North Shelby Water District. The rate application will be supported by an historical test period.

Respectfully submitted,

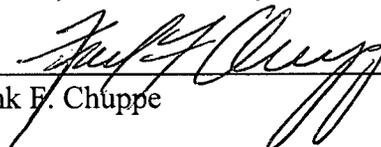


Frank F. Chuppe
WYATT, TARRANT & COMBS
Citizens Plaza
Louisville, Kentucky 40202-2898
(502) 562-7336

Counsel for Shelbyville Municipal Water and Sewer
Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by U.S. Mail, first class, postage prepaid, this 7 day of September, 1999, upon North Shelby Water District, P.O. Box 97, Bagdad, KY 40003; Donald T. Prather, Esq., Mathis, Riggs & Prather, 500 Main Street, P.O. Box 1059, Shelbyville, KY 40066-1059; Attorney General A. B. Chandler, III, Office of Attorney General, Capitol Building, Suite 118 Frankfort, KY 40601; and Office of Rate Intervention, Office of Attorney General, 1024 Capital Center Drive, P.O. Box 2000, Frankfort, KY 40602-2000.



Frank F. Chuppe